

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed November 27, 2007. Through this response, claims 1, 5, 7, 12, 13, 22, 28, 30, 34, 36, 39, 42 and 43 have been amended, and claims 4, 10, 16, 23 and 29 have been canceled without prejudice, waiver, or disclaimer. Reconsideration and allowance of the application and pending claims 1, 2, 5, 7, 8, 12-15, 17-22, 25, 27-28, 30, 33, 34, 36, 38-40, 42-43, and 45-58 are respectfully requested.

I. Interview Summary

A telephone interview took place on January 17, 2008, at 11am. The attendees were Examiner Michael Opsasnick and Applicant's representative Cynthia L. Davis. During the interview, the parties discussed differences between claims 1 and 4 and the *Klein* and *Seshadri* references. The Examiner suggested going into more detail regarding the account record in order to distinguish over the cited references. Applicant wishes to thank the Examiner for his time.

II. Claim Rejections - 35 U.S.C. § 103(a)

A. Rejection of Claims 1, 2, 4, 5, 7, 8, 10, 12-23, 25, 27-30, 33, 34, 36, 38-40, 42, 43, and 45-58

Claims 1, 2, 4, 5, 7, 8, 10, 12-23, 25, 27-30, 33, 34, 36, 38-40, 42, 43, 45, and 46 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Klein ("*Klein*", U.S. Pat. No. 5,479,411) in view of Sit et al. ("*Sit*", U.S. Pat. No. 6,349,336) in further view of Cooper ("*Cooper*", U.S. Pat. No. 6,052,442) in view of Seshadri ("*Seshadri*", U.S. Pat. No. 6,249,808). Claims 47-58 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Klein ("*Klein*", U.S. Pat. No. 5,479,411) in view of Sit et al. ("*Sit*", U.S.

Pat. No. 6,349,336) in further view of Cooper ("*Cooper*", U.S. Pat. No. 6,052,442) in view of Seshadri ("*Seshadri*", U.S. Pat. No. 6,249,808) in further view of Elliot ("*Elliot*", U.S. Pat. No. 6,754,181). Applicant respectfully submits that these rejections have been rendered moot and request that the rejections of the claims be withdrawn.

B. Discussion of the Rejection

The U.S. Patent and Trademark Office ("USPTO") has the burden under section 103 to establish a prima facie case of obviousness according to the factual inquiries expressed in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). The four factual inquiries, also expressed in MPEP 2100-116, are as follows:

- (A) Determining the scope and contents of the prior art;
- (B) Ascertaining the differences between the prior art and the claims in issue;
- (C) Resolving the level of ordinary skill in the pertinent art; and
- (D) Evaluating evidence of secondary considerations.

Applicants respectfully submit that a prima facie case of obviousness is not established using the art of record.

Independent Claim 1 and Dependent Claims 2 and 5

Claim 1, as amended, recites: "wherein more than one email account are assigned to the subscriber, the email notification server automatically polls each email account of the subscriber for the presence of new email messages, and different preferences are capable of being designated by the subscriber for polling each email account in an account record." The Office Action alleges on page 5 that multiple email accounts and servers is disclosed in Klein, column 4, lines 20-31, and also that the combination of Klein in view of Sit teaches multiple email accounts, and in combination

with *Cooper* teaches multiple email account access for multiple users. However, *Klein* merely appears to disclose a single "universal mailbox" (for example, see *Klein* at fig. 2, elements 234 and 222; fig. column 3, line 66; and column 4, lines 8-9); there is no discussion in *Klein* of multiple email accounts. *Sit* also does not mention multiple email accounts anywhere. Even assuming, *arguendo*, that *Cooper* does teach that a user may have several pre-stored numbers corresponding to several online service providers in column 5, lines 63-66, *Cooper* does not teach, disclose, or suggest different polling preferences capable of being designated by the subscriber for multiple email accounts in an account record, as is recited in claim 1. *Seshadri* does not remedy this deficiency. Therefore, for at least these reasons, Applicant submits that claim 1 is allowable over the art of record, and respectfully requests that the rejection of claim 1 be withdrawn.

Because independent claim 1 is allowable over *Klein* in view of *Sit*, *Cooper*, and *Seshadri*, dependent claims 2 and 5 are allowable as a matter of law for at least the reason that the dependent claims 2 and 5 contain all elements of their respective base claim. See, e.g., *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

Independent Claim 7 and Dependent Claims 8 and 12

Claim 7, as amended, recites: "automatically polling each additional email account if the subscriber has additional email accounts, wherein different preferences are capable of being designated by the subscriber for polling each of the additional email accounts in an account record." The Office Action alleges on page 5 that multiple email accounts and servers is disclosed in *Klein*, column 4, lines 20-31, and also that the combination of *Klein* in view of *Sit* teaches multiple email accounts, and in combination with *Cooper* teaches multiple email account access for multiple users. However, *Klein* merely appears to disclose a single "universal mailbox" (for example,

see Klein at fig. 2, elements 234 and 222; fig. column 3, line 66; and column 4, lines 8-9); there is no discussion in *Klein* of multiple email accounts. *Sit* also does not mention multiple email accounts anywhere. Even assuming, *arguendo*, that *Cooper* does teach that a user may have several pre-stored numbers corresponding to several online service providers in column 5, lines 63-66, *Cooper* does not teach, disclose, or suggest different polling preferences capable of being designated by the subscriber for additional email accounts in an account record, as is recited in claim 7. *Seshadri* does not remedy this deficiency. Therefore, for at least these reasons, Applicant submits that claim 7 is allowable over the art of record, and respectfully requests that the rejection of claim 7 be withdrawn.

Because independent claim 7 is allowable over *Klein* in view of *Sit*, *Cooper*, and *Seshadri*, dependent claims 8 and 12 are allowable as a matter of law for at least the reason that the dependent claims 2 and 5 contain all elements of their respective base claim. See, e.g., *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

Independent Claim 13 and Dependent Claims 14, 15, and 18-21

Claim 13, as amended, recites: "wherein a plurality of email accounts are assigned to at least one of the subscribers, the first process automatically polls each email account of the plurality of email accounts of the at least one subscriber for the presence of new email messages, and a different predetermined amount of time is capable of being designated by the at least one subscriber for polling each email account in the account record." The Office Action alleges on page 5 that multiple email accounts and servers is disclosed in *Klein*, column 4, lines 20-31, and also that the combination of *Klein* in view of *Sit* teaches multiple email accounts, and in combination with *Cooper* teaches multiple email account access for multiple users. However, *Klein*

merely appears to disclose a single "universal mailbox" (for example, see *Klein* at fig. 2, elements 234 and 222; fig. column 3, line 66; and column 4, lines 8-9); there is no discussion in *Klein* of multiple email accounts. *Sit* also does not mention multiple email accounts anywhere. Even assuming, *arguendo*, that *Cooper* does teach that a user may have several pre-stored numbers corresponding to several online service providers in column 5, lines 63-66, *Cooper* does not teach, disclose, or suggest a different predetermined amount of time capable of being designated by the subscriber for each of a plurality of email accounts in an account record, as is recited in claim 13. *Seshadri* does not remedy this deficiency. Therefore, for at least these reasons, Applicant submits that claim 13 is allowable over the art of record, and respectfully requests that the rejection of claim 13 be withdrawn.

Because independent claim 13 is allowable over *Klein* in view of *Sit*, *Cooper*, and *Seshadri*, dependent claims 14, 15, and 18-21 are allowable as a matter of law for at least the reason that the dependent claims 14, 15, and 18-21 contain all elements of their respective base claim. See, e.g., *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

Independent Claim 22 and Dependent Claims 25 and 27

Claim 22, as amended, recites: "wherein the particular subscriber is assigned multiple email accounts, the program further comprising: automatically polling each of the email accounts for the presence of new email, wherein the multiple email accounts are polled in different predetermined amounts of time that are capable of being specified by the particular subscriber in an account record; and causing the particular subscriber to be notified of the presence of email in any of the email accounts." The Office Action alleges on page 5 that multiple email accounts and servers is disclosed in *Klein*, column 4, lines 20-31, and also that the combination of *Klein* in view of *Sit* teaches multiple

email accounts, and in combination with *Cooper* teaches multiple email account access for multiple users. However, *Klein* merely appears to disclose a single “universal mailbox” (for example, see *Klein* at fig. 2, elements 234 and 222; fig. column 3, line 66; and column 4, lines 8-9); there is no discussion in *Klein* of multiple email accounts. *Sit* also does not mention multiple email accounts anywhere. Even assuming, *arguendo*, that *Cooper* does teach that a user may have several pre-stored numbers corresponding to several online service providers in column 5, lines 63-66, *Cooper* does not teach, disclose, or suggest a different predetermined amount of time capable of being designated by the subscriber for multiple of email accounts in an account record, as is recited in claim 22. *Seshadri* does not remedy this deficiency. Therefore, for at least these reasons, Applicant submits that claim 22 is allowable over the art of record, and respectfully requests that the rejection of claim 22 be withdrawn.

Because independent claim 22 is allowable over *Klein* in view of *Sit*, *Cooper*, and *Seshadri*, dependent claims 25 and 27 are allowable as a matter of law for at least the reason that the dependent claims 25 and 27 contain all elements of their respective base claim. See, e.g., *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

Independent Claim 28 and Dependent Claims 30 and 33

Claim 28, as amended, recites: “wherein the particular subscriber is assigned multiple email accounts, further comprising: automatically polling each of the email accounts for the presence of new email, wherein the multiple email accounts are polled in different predetermined amounts of time that are capable of being specified in the account record by the particular subscriber; and causing the particular subscriber to be notified of the presence of new email in any of the email accounts of the particular subscriber.” The Office Action alleges on page 5 that multiple email accounts and

servers is disclosed in *Klein*, column 4, lines 20-31, and also that the combination of *Klein* in view of *Sit* teaches multiple email accounts, and in combination with *Cooper* teaches multiple email account access for multiple users. However, *Klein* merely appears to disclose a single "universal mailbox" (for example, see *Klein* at fig. 2, elements 234 and 222; fig. column 3, line 66; and column 4, lines 8-9); there is no discussion in *Klein* of multiple email accounts. *Sit* also does not mention multiple email accounts anywhere. Even assuming, *arguendo*, that *Cooper* does teach that a user may have several pre-stored numbers corresponding to several online service providers in column 5, lines 63-66, *Cooper* does not teach, disclose, or suggest a different predetermined amount of time capable of being designated by the subscriber for multiple of email accounts in an account record, as is recited in claim 28. *Seshadri* does not remedy this deficiency. Therefore, for at least these reasons, Applicant submits that claim 28 is allowable over the art of record, and respectfully requests that the rejection of claim 28 be withdrawn.

Because independent claim 28 is allowable over *Klein* in view of *Sit*, *Cooper*, and *Seshadri*, dependent claims 30 and 33 are allowable as a matter of law for at least the reason that the dependent claims 30 and 33 contain all elements of their respective base claim. See, e.g., *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

Independent Claim 34 and Dependent Claims 36 and 38

Claim 34, as amended, recites: "wherein more than one email account are assigned to the subscriber, the email notification server automatically polls each email account of the subscriber for the presence of new email messages, and different preferences are capable of being designated by the subscriber for polling each email account in an account record." The Office Action alleges on page 5 that multiple email

accounts and servers is disclosed in *Klein*, column 4, lines 20-31, and also that the combination of *Klein* in view of *Sit* teaches multiple email accounts, and in combination with *Cooper* teaches multiple email account access for multiple users. However, *Klein* merely appears to disclose a single "universal mailbox" (for example, see *Klein* at fig. 2, elements 234 and 222; fig. column 3, line 66; and column 4, lines 8-9); there is no discussion in *Klein* of multiple email accounts. *Sit* also does not mention multiple email accounts anywhere. Even assuming, *arguendo*, that *Cooper* does teach that a user may have several pre-stored numbers corresponding to several online service providers in column 5, lines 63-66, *Cooper* does not teach, disclose, or suggest different polling preferences capable of being designated by the subscriber for multiple email accounts in an account record, as is recited in claim 34. *Seshadri* does not remedy this deficiency. Therefore, for at least these reasons, Applicant submits that claim 34 is allowable over the art of record, and respectfully requests that the rejection of claim 34 be withdrawn.

Because independent claim 34 is allowable over *Klein* in view of *Sit*, *Cooper*, and *Seshadri*, dependent claims 36 and 38 are allowable as a matter of law for at least the reason that the dependent claims 36 and 38 contain all elements of their respective base claim. See, e.g., *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

Independent Claim 39 and Dependent Claims 40, 42, 43, 45, and 46

Claim 39, as amended, recites: "wherein more than one email account are assigned to the subscriber, the email notification server automatically polls each email account of the subscriber for the presence of new email messages, and different preferences are capable of being designated by the subscriber for polling each email account in an account record." The Office Action alleges on page 5 that multiple email

accounts and servers is disclosed in *Klein*, column 4, lines 20-31, and also that the combination of *Klein* in view of *Sit* teaches multiple email accounts, and in combination with *Cooper* teaches multiple email account access for multiple users. However, *Klein* merely appears to disclose a single "universal mailbox" (for example, see *Klein* at fig. 2, elements 234 and 222; fig. column 3, line 66; and column 4, lines 8-9); there is no discussion in *Klein* of multiple email accounts. *Sit* also does not mention multiple email accounts anywhere. Even assuming, *arguendo*, that *Cooper* does teach that a user may have several pre-stored numbers corresponding to several online service providers in column 5, lines 63-66, *Cooper* does not teach, disclose, or suggest different polling preferences capable of being designated by the subscriber for multiple email accounts in an account record, as is recited in claim 39. *Seshadri* does not remedy this deficiency. Therefore, for at least these reasons, Applicant submits that claim 39 is allowable over the art of record, and respectfully requests that the rejection of claim 39 be withdrawn.

Because independent claim 39 is allowable over *Klein* in view of *Sit*, *Cooper*, and *Seshadri*, dependent claims 40, 42, 43, 45, and 46 are allowable as a matter of law for at least the reason that the dependent claims 40, 42, 43, 45, and 46 contain all elements of their respective base claim. See, e.g., *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

Dependent Claims 47-58

As is identified above in reference to independent claims 1, 7, 13, 22, 28, 34, and 39, *Klein* in view of *Sit*, *Cooper*, and *Seshadri* does not teach, disclose, or suggest a subscriber designating polling preferences or a predetermined amount of time for polling for multiple email accounts in an account record. In that *Elliot* does not remedy this deficiency of the *Klein* in view of *Sit*, *Cooper*, and *Seshadri* combination, Applicants

respectfully submit that claims 47-58, which depend from claims 1, 7, 13, 22, 28, 34, and 39, are allowable over the *Klein* in view of *Sit*, *Cooper*, *Seshadri* and *Elliot* combination for at least the same reasons that claims 1, 7, 13, 22, 28, 34, and 39 are allowable over *Klein* in view of *Sit*, *Cooper*, and *Seshadri*. Also because independent claims 1, 7, 13, 22, 28, 34, and 39 are allowable over *Klein* in view of *Sit*, *Cooper*, and *Seshadri*, dependent claims 47-58 are allowable as a matter of law for at least the reason that the dependent claims 47-58 contain all elements of their respective base claims. See, e.g., *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

CONCLUSION

Applicant respectfully requests that all outstanding objections and rejections be withdrawn and that this application and presently pending claims 1, 2, 5, 7, 8, 12-15, 17-22, 25, 27-28, 30, 33, 34, 36, 38-40, 42-43, and 45-58 be allowed to issue. Any statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known since the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions. If the Examiner has any questions or comments regarding Applicant's response, the Examiner is encouraged to telephone Applicant's undersigned counsel.

Respectfully submitted,

/cld/

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